

DEPOSITION OF ROBERT JOHNSON

February 27, 2008

Pages 1 through 188

PREPARED BY:

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Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF ALABAMA

ROBERT JOHNSON, as Personal
Representative of THE ESTATE OF
IRENA JOHNSON, Deceased,
Plaintiff,
vs. CIVIL ACTION NO.
2:07CV1068-MHT

DENITA COLVIN and
WILLIE EVA BALDWIN, et al.,
Defendants.

DEPOSITION OF ROBERT JOHNSON, taken
pursuant to stipulation and agreement before Tracey
H. Rives, Certified Shorthand Reporter and
Commissioner for the State of Alabama at Large, in
the Law Offices of Barrickman, Allred & Young, 5775
Glenridge Drive, Atlanta, Georgia, on Wednesday the
27th day of February 2008, commencing at
approximately 11:10 a.m. EST.

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APPEARANCES (cont.'d)
ALSO PRESENT: Denita Colvin
Willie Eva Baldwin

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APPEARANCES

FOR THE PLAINTIFF:
ZACHARY T. COLLINS, ESQ.
TONYA D. POWELL, ESQ.
Attorneys at Law
207 Montgomery Street
Suite 215
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FOR THE DEFENDANT DENITA COLVIN:

W. Christopher Waller, Jr., Esq.
BALL, BALL, MATTHEWS,
& NOVAK
Attorneys at Law
Suite 204
2000 Interstate Park Drive
Montgomery, Alabama

FOR THE DEFENDANT WILLIE EVA BALDWIN:

David W. Henderson, Esq.
HILL, HILL, CARTER, FRANCO,
COLE & BLACK
Attorneys at Law
425 South Perry Street
Montgomery, Alabama
FOR THE DEFENDANT ACE AMERICAN INSURANCE COMPANY:
John M. Phillips, Esq.
DORE, LANIER & PHILLIPS
Attorneys at Law
76 South Laura Street
Suite 1701
Jacksonville, FL 32202

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STIPULATION

It is hereby stipulated and agreed by and
between counsel representing the parties that the
deposition of ROBERT JOHNSON may be taken before
Tracey H. Rives, Certified Shorthand Reporter and
Commissioner for the State of Alabama at Large,
without the formality of a commission and all
formality with respect to other procedural
requirements is waived; that objections to
questions other than objections as to the form of
the question need not be made at this time but may
be reserved for a ruling at such time as the said
deposition may be offered in evidence or used for
any other purpose by either party as provided for
by the Federal Rules of Civil Procedure.

It is further stipulated and agreed by
and between the parties hereto and the witness that
the signature of the witness to this deposition is
hereby waived.

Page 185	Page 187
<p>1 Q. Did you call anybody to try to determine the</p> <p>2 whereabouts of your mother? Did you call</p> <p>3 the police? Did you do anything to try to</p> <p>4 track them down, any other relatives or</p> <p>5 anything?</p> <p>6 A. No. I wouldn't have known who to call. I</p> <p>7 wouldn't know where they were. I just hoped</p> <p>8 they would call so we would know where they</p> <p>9 were.</p> <p>10 Q. And when you received the call from Officer</p> <p>11 Caffey the night of the 27th or early</p> <p>12 morning of the 28th, whenever it was, were</p> <p>13 you asleep at that time?</p> <p>14 A. Yes.</p> <p>15 MR. HENDERSON: That's all of the</p> <p>16 questions I have.</p> <p>17 EXAMINATION</p> <p>18 BY MR. PHILLIPS:</p> <p>19 Q. One question that I missed the last time.</p> <p>20 As of right now, do you recall what your</p> <p>21 mother's number in Pennsylvania was?</p> <p>22 A. Phone number?</p> <p>23 Q. Yes, sir.</p>	<p>1 matter of:</p> <p>2 ROBERT JOHNSON, as Personal</p> <p>3 Representative of THE ESTATE OF</p> <p>4 IRENA JOHNSON, Deceased,</p> <p>5 Plaintiff,</p> <p>6 Vs.</p> <p>7 DENITA COLVIN and</p> <p>8 WILLIE EVA BALDWIN, et al.,</p> <p>9 Defendants.</p> <p>10 Civil Action Number</p> <p>11 2:07CV1068-MHT</p> <p>12 In the U.S. District Court</p> <p>13 for the Middle District of Alabama</p> <p>14 On February 27, 2008.</p> <p>15 The foregoing 186 computer printed pages</p> <p>16 contain a true and correct transcript of the</p> <p>17 examination of said witness by counsel for the</p> <p>18 parties set out herein. The reading and signing of</p> <p>19 same is hereby waived.</p> <p>20 I further certify that I am neither of</p> <p>21 kin nor of counsel to the parties to said cause,</p> <p>22 nor in any manner interested in the results</p> <p>23 thereof.</p>
Page 186	Page 188
<p>1 A. I have it programed in my cell phone. I</p> <p>2 think it's GR3-7829.</p> <p>3 THE COURT REPORTER: I'm sorry?</p> <p>4 A. GR3-7829. So that's area (215) 473-7829.</p> <p>5 MR. PHILLIPS: Thank you. That's</p> <p>6 all I have.</p> <p>7 MR. COLLINS: Nothing.</p> <p>8 MR. WALLER: Thank you, sir.</p> <p>9</p> <p>10 *****</p> <p>11 FURTHER DEPONENT SAITH NOT</p> <p>12 *****</p> <p>13</p> <p>14 REPORTER'S CERTIFICATE</p> <p>15 STATE OF ALABAMA:</p> <p>16 MONTGOMERY COUNTY:</p> <p>17 I, Tracey H. Rives, Certified Shorthand</p> <p>18 Reporter and Commissioner for the State of Alabama</p> <p>19 at Large, do hereby certify that I reported the</p> <p>20 deposition of:</p> <p>21 ROBERT JOHNSON</p> <p>22 who was first duly sworn by me to speak the truth,</p> <p>23 the whole truth and nothing but the truth, in the</p>	<p>1 This 17th day of March 2008.</p> <p>2</p> <p>3 _____</p> <p>4 Tracey H. Rives, Certified</p> <p>5 Shorthand Reporter and</p> <p>6 Commissioner for the</p> <p>7 State of Alabama at Large,</p> <p>8 ACCR#: 400, Expiration Date:</p> <p>9 9/30/08</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

AST-27
REV. 1/91

ALABAMA UNIFORM TRAFFIC ACCIDENT REPORT

DPS

Accident No

Event #
66807

Sheet 1 of 3

Sheet(s)

Microfilm No

Local Case No:

07-5632

Shaded Areas To Be Used By Data Processing Only

LOCATION AND TIME		Date		Time	Day of Week	County	City	Highway Classification	Municipal	Local Zone	
		07	27	2007	19:05	MT	MONTGOMERY	03	01	01	
On Street Road or Highway		At Intersection of or Between (Node 1)		And (Node 2)							
I085 (S)		I065 (S)		COURT ST.							
Intersection Related		Mile Post		Control Access		1 Main Rd		5 Exit Ramp		Prime Contr	
1 Node 1 2 Node 2		0 0 0 0 1		1 Main Rd 2 Frontage Rd		4 Entrance Ramp		6 N/A		09	
First Harmful Event		Event Location		Distance to Fixed Object		No. of Vehicles		No. Pedestrians		No. Injured	
20		1		N/A FT		2		0		2	
Unit 1 Type		Unit 2 Type									
20		1									
Driver Full Name		Street Address		City and State		Zip		Telephone No			
WILLIE EVA BALDWIN		1235 N. CONESTOGA ST. PHILADELPHIA, PA.		19131		(215) 473-7829					
Driver License No		DL Class		DL Status		List Restrictions		CDL Status		List Endorsements	
02 02 1917		B F PA		09117213		C C		N		Residence Less Than 25 Miles	
Place of Employment		Liability Insurance Co.		Social Security No							
RETIRED		SELF-INSURED									
Driver Condition		3 - Fatigued		8 - Other		Sobriety		Officer's Opinion		Alcohol	
2 - Apparently Asleep		4 - Ill		9 - Unknown						Yes No	
Maneuver		Travel Road Name		Road Code		Travel Direction		Other Circumstance		Prime Harm Event	
81		I085 (S)				N E S W		97		20	
Veh Year		Make		Model		Body		V.I.N.		License Tag Number	
2007		HYUN		SON		4D		5NPEU46F97H189659		9188683	
Owner's Name		Street or R.F.D.		City		State		Zip		Year	
HERTZ RENTAL CAR		10000 BESSIE COLEMAN DR.		CHICAGO		IL		60666		2007	
Type		Usage		Hazardous Cargo		Attachment		Contributing Defect		Circle areas Damaged	
1 - Auto		1 - Personal		1 - None		1 - None		1 - None		1 - Under Carriage	
2 - Sta. Wagon		2 - Driver Trng		2 - Explosive		2 - Mobile Home		2 - Brakes		2 - N/A	
3 - Pick Up		3 - Construction		3 - Gas		3 - Semi Trailer		3 - Steering		3 - N/A	
4 - Van		4 - Ambulance/Paramedical		4 - Flam/Combust Liq		4 - Utility Trailer		4 - Power Plant		4 - N/A	
5 - Truck Tractor		5 - Military		5 - Flammable Solids		5 - Pole Trailer		5 - Suspension		5 - N/A	
6 - Other Truck		6 - Taxi		6 - Oxidizer/Peroxide		6 - Wheel Trailer		6 - Tires		6 - N/A	
7 - Comm Bus		7 - Transport Prop		7 - Poison		6 - Boat Trailer		7 - Exhaust		7 - N/A	
8 - School Bus		8 - Agriculture		8 - Radioactive Material		7 - Camper Trailer		8 - Lights		8 - N/A	
9 - Other Bus		9 - Wrecker/Tow		9 - Corrosive Material		8 - Towed Vehicle		9 - Fuel System		9 - N/A	
10 - Motorcycle				99 - Other		9 - Double Trailer		10 - Other		10 - N/A	
Speed Limit		Est. Speed		Citation Offense Charged		Damage Severity		Vehicle Towed Away?		Occupants in Unit	
50 MPH		999 MPH		NONE		1 - Non Visible 2 - Not Disabled		Yes No		3	
Vehicle Towed By Whom		To Where:				B&R		B&R LOT			
Driver Full Name		Street Address		City and State		Zip		Telephone No			
DENITA R. COLVIN		4033 OAK SHADOW LANE MONTGOMERY, AL		36116		(334) 396-3453					
Driver License No		DL Class		DL Status		List Restrictions		CDL Status		List Endorsements	
09 23 1962		B F AL		6312074		D C		N		Residence Less Than 25 Miles	
Place of Employment		Liability Insurance Co.		Social Security No							
RETIRED U.S. ARMY		USAA									
Driver Condition		3 - Fatigued		8 - Other		Sobriety		Officer's Opinion		Alcohol	
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01		I085 (S)				N E S W		97		20	
Veh Year		Make		Model		Body		V.I.N.		License Tag Number	
2007		MERZ		230		4D		WDBRF52H77F933177		6508H	
Owner's Name		Street or R.F.D.		City		State		Zip		Year	
SAME AS DRIVER						AL		2008			
Type		Usage		Hazardous Cargo		Attachment		Contributing Defect		Circle areas Damaged	
1 - Auto		1 - Personal		1 - None		1 - None		1 - None		1 - Under Carriage	
2 - Sta. Wagon		2 - Driver Trng		2 - Explosive		2 - Mobile Home		2 - Brakes		2 - N/A	
3 - Pick Up		3 - Construction		3 - Gas		3 - Semi Trailer		3 - Steering		3 - N/A	
4 - Van		4 - Ambulance/Paramedical		4 - Flam/Combust Liq		4 - Utility Trailer		4 - Power Plant		4 - N/A	
5 - Truck Tractor		5 - Military		5 - Flammable Solids		5 - Pole Trailer		5 - Suspension		5 - N/A	
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Speed Limit		Est. Speed		Citation Offense Charged		Damage Severity		Vehicle Towed Away?		Occupants in Unit	
50 MPH		999 MPH		NONE		1 - Non Visible 2 - Not Disabled		Yes No		1	
Vehicle Towed By Whom		To Where:				B&R		B&R LOT			
Contributing Circumstances		Driver Maneuver		Pedestrian Action		Event Location					
01 - Improper Passing		01 - Go Straight Ahead		01 - Cross/Enter-Intersection		1 - On Roadway					
02 - Improper Lane Change/Usage		02 - Pass on Left		02 - Cross/Enter-Other		2 - Off Roadway					
03 - Improper Turn/Left Turn		03 - Pass on Right		03 - Walk in Road-Mid Traffic		3 - Median					
04 - Following Too Close		04 - Pass on Right		04 - Stand in Road-Against Traffic		4 - Driveway					
05 - Maypole Stopping Dist		05 - Go Straight-Left Turn Lane		05 - Walk in Road-Against Traffic							
06 - Over Speed Limit		06 - Go Straight-Right Turn Lane		06 - Stand in Road-Against Traffic							
07 - Avoid Object/Person/Veh		07 - Change Lanes-Left		07 - Get out of Road							
08 - Unseen Object/Person/Veh		08 - Change Lanes-Right		08 - Run off Road							
09 - Improper Backing		09 - Merge-Left		09 - In Road							
10 - Inop Traffic Control		10 - Merge-Right		10 - In Road							
11 - Improper/No Signal		11 - Wrong Side of Road		11 - Not in Road							
12 - Failure to Heed Sign/Signal		12 - Wrong Way-1 Way		12 - Other							
				12 - Unknown							

PLAINTIFF'S
EXHIBIT
4

PENGAD 800-631-6889

SEATING	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Other Involved Unit (Circle One)</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>8</td> <td>9</td> <td>10</td> </tr> <tr> <td colspan="10"> 12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstance/ Codes Not Applicable </td> </tr> <tr> <td colspan="10">Other Involved Safety Equipment</td> </tr> </table>										Other Involved Unit (Circle One)										1	2	3	4	5	6	7	8	9	10	12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstance/ Codes Not Applicable										Other Involved Safety Equipment										<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="10" style="text-align: center;">Other Involved Unit (Circle One)</td> </tr> <tr> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td>6</td> <td>7</td> <td>8</td> <td>9</td> <td>10</td> </tr> <tr> <td colspan="10"> 12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstance/ Codes Not Applicable </td> </tr> <tr> <td colspan="10">Other Involved Safety Equipment</td> </tr> </table>										Other Involved Unit (Circle One)										1	2	3	4	5	6	7	8	9	10	12 - Pedestrian 13 - Rider of Domestic Animal 14 - Occ. of Non-Motorized Vehicle 15 - Victim of Other Circumstance/ Codes Not Applicable										Other Involved Safety Equipment										CODES																																																																																																												
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The data on this report reflects my best knowledge, opinions and beliefs covering the accident, but no warrant is made as to the factual accuracy thereof.																																																																																																																																																																																																																	

ALABAMA
UNIFORM TRAFFIC ACCIDENT REPORT

EVENT #: 66807

LOCAL CASE NO. 07-5632

SHEET 2 OF 3 SHEET(S)

AST No. 34 Rev. 4/86

SUPPLEMENTAL SHEET

Unit No.	Seat Pos.	Injury Type	Age	Sex	Ejection	First Aid By
2	1	A	44	F	N	M

Name		Address		Unit No.	Seat Pos.	Injury Type	Age	Sex	Ejection	First Aid By
3	DENITA R. COLVIN	4033 OAK SHADOW LANE	MONTGOMERY, AL. 36116	2	1	A	44	F	N	M
Taken to JACKSON HOSPITAL		Taken by CARE AMBULANCE								
4	N/A									
Taken to		Taken by								
5	N/A									
Taken to		Taken by								
6	N/A									
Taken to		Taken by								
7	N/A									
Taken to		Taken by								
8	N/A									
Taken to		Taken by								
9	N/A									
Taken to		Taken by								
10	N/A									
Taken to		Taken by								
11	N/A									
Taken to		Taken by								
12	N/A									
Taken to		Taken by								

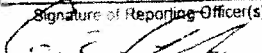
ADDITIONAL ACCIDENT VICTIMS

DESCRIBE WHAT HAPPENED (Refer to vehicles by number)

WITNESSES ADVISED THAT VEHICLE #1 WAS TRAVELING WEST ON I085 SOUTH IN THE RIGHT LANE ,WHEN SUDDENLY VEHICLE # 1 STARTED BACKING UP ON I085 IN THE LANE OF TRAFFIC. WITNESSES FURTHER ADVISED THAT VEHICLE #2 TOOK EVASIVE ACTIONS, HOWEVER WAS UNABLE TO AVOID THE COLLISION . DRIVER OF VEHICLE # 1 ADVISED THAT SHE WAS TRAVELING ON I085 SOUTH AND VEHICLE #2 COLLIDED WITH HER VEHICLE IN THE REAR. DRIVER OF VEHICLE #1 ADVISED THAT SHE NEVER PUT HER VEHICLE IN REVERSE. DRIVER OF VEHICLE #2 ADVISED THAT WHEN SHE NOTICED VEHICLE # 1 ,IT WAS BACKING ON THE INTERSTATE . DRIVER OF VEHICLE #2 FURTHER ADVISED SHE ATTEMPTED TO AVOID THE COLLISION BY SWERVING TO THE RIGHT, HOWEVER SHE WAS UNABLE TO AVOID THE COLLISION.

ADDITIONAL NARRATIVE SPACE

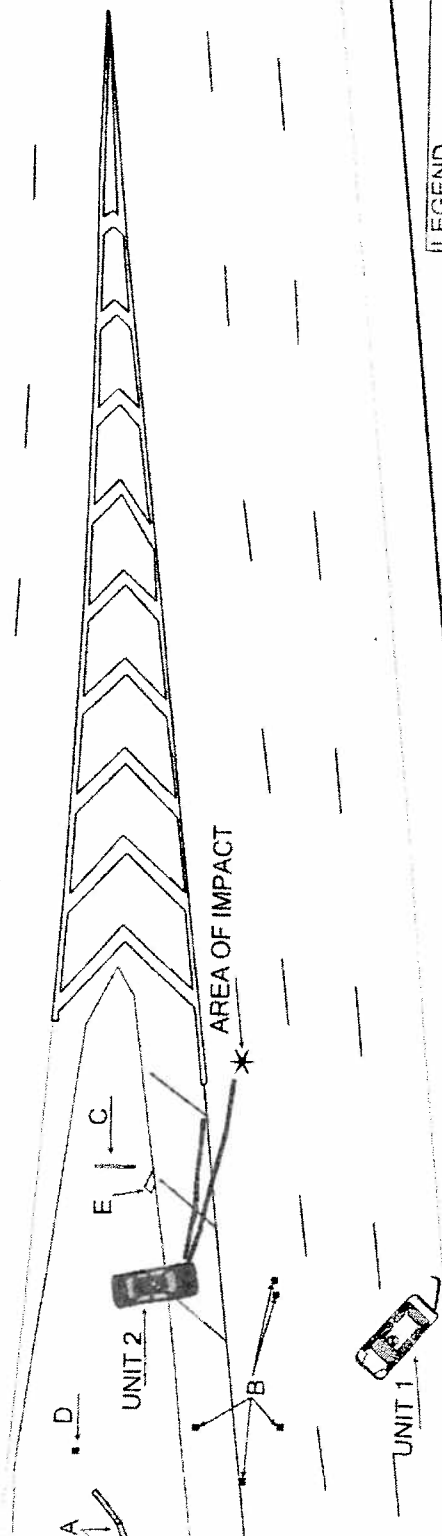
SEE SHEET 3 OF 3 SHEETS

<input type="checkbox"/> Diagram Not to Scale <input type="checkbox"/> Diagram Scale 1 inch	(20 feet) (10 feet)	Location MONTGOMERY	Time 1904	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M. <input checked="" type="checkbox"/> M.T.
Signature of Reporting Officer(s) 		Officer ID 406	Reporting Police Agency ORI 0030100	
		DATE Month: 07 Day: 27 Year: 2007		

TO I-65 NORTH



SHOULDER



LEGEND

- A - GUARD RAIL
- B - VEHICLE DEBRI
- C - EXIT SIGN FOR I-65 NORTH
- D - ROAD WORK SIGN
- E - SCUFF MARK IN GRASS

CONCRETE BARRIER

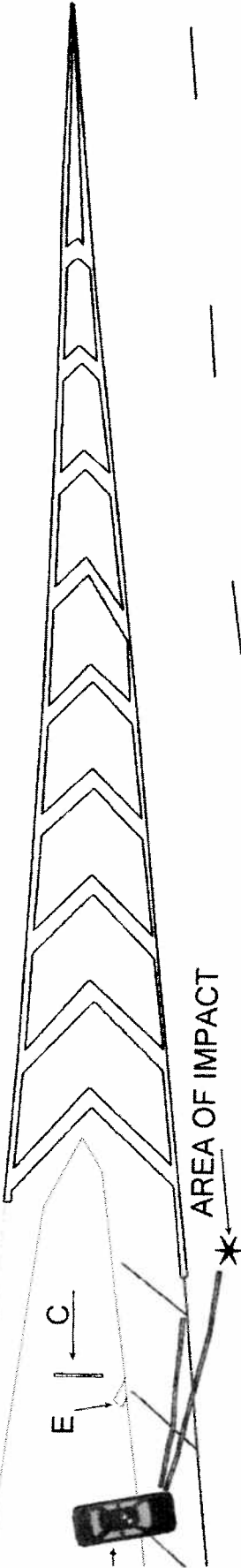
SHEET 3 OF 3 SHEETS
I-85 (SOUTHBOUND ONLY) AT
INTERCHANGE
DRAWN BY - SGT R.E. LEWIS #947
ASSISTED BY - CPL G.E. CAFFEY #496
DATE DRAWN - 07/29/2007
CASE # - 07-5632
EVENT # - 66807
DATE OF COLLISION - 07/27/2007

TO I-65 SOUTH/DAY STREET

5 NORTH



SHOULDER



AREA OF IMPACT

SHEET 3 OF 3 SHEETS
I-85 (SOUTHBOUND ONLY) AT
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DRAWN BY - SGT R.E. LEWIS #947
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AY STREET

LEGEND

- A - GUARD RAIL
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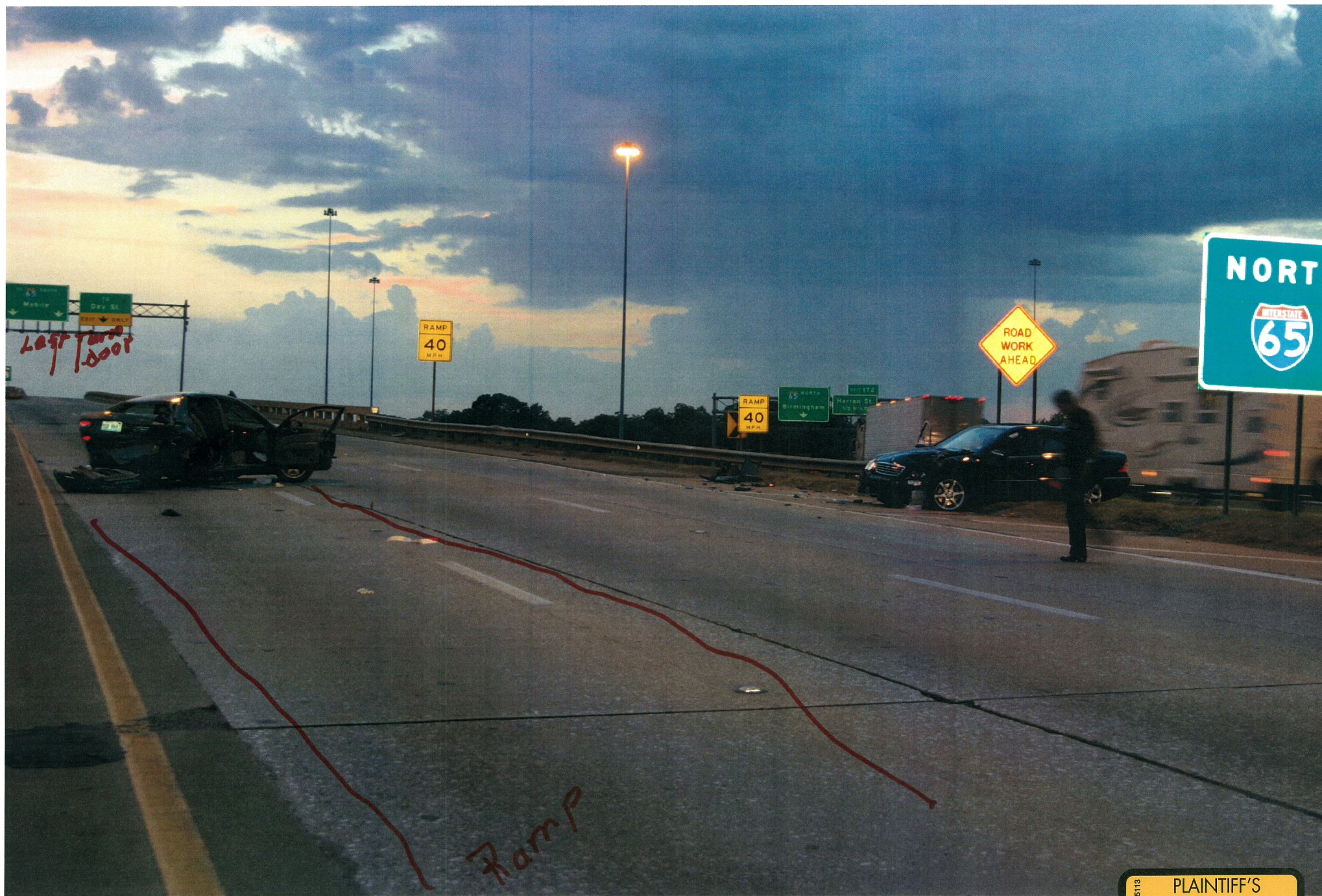
CONCRETE BARRIER



Blumberg No. 5113

PLAINTIFF'S
EXHIBIT

49



Blumberg No. 5113

PLAINTIFF'S
EXHIBIT

50



Blumberg No. 5113

PLAINTIFF'S
EXHIBIT

55